

**TOWN COUNCIL SPECIAL MEETING - WEDNESDAY EVENING -
APRIL 18, 2012**

PRESENT: Marshall, Barboza, Teixeira, Herreshoff and Parella

The Council met in special session on Wednesday evening, April 18, 2012 in the Town Hall, Council Chambers, beginning at 7:10 o'clock PM, Council Chairman Marshall presiding:

1. Interviews/Appointment - Bristol County Water Authority Board of Directors (term to expire in February 2015)
 - a. Richard M. Botelho, 14 Sefton Drive - interest/appointment

Council Chairman Marshall welcomed Mr. Botelho of 14 Sefton Drive and asked him to enlighten the Council as to his interest in the Water Authority.

Mr. Botelho explained that he was of the opinion that it was time for a change on the Authority and that he possesses a background in engineering and is employed by National Grid. Mr. Botelho also explained that he manages outside contracts for National Grid.

Mr. Botelho observed that there has been a great deal of controversy concerning the Water Authority and that he believes that the Authority is generally doing a good job. He added that he would like to see the Shad Factory Reservoir brought back on-line.

Mr. Botelho stated that he would consider a position on the Water Authority to be a learning experience and that he attends meetings occasionally. He added that his overall goal is to assure that the Town will receive clean water.

Council Chairman Marshall noted that the Shad Reservoir and the BCWA treatment plant remains somewhat controversial since some people think that both should be abandoned.

Mr. Botelho stated that he is not convinced of either and that he would like to have the opportunity to study both. He added that he is aware that government standards have changed but also that he is concerned that the county should have a viable second source for water.

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Council Chairman Marshall asked to know if the Authority should reinvest in its capital assets with Mr. Botelho responding that the Authority should do whatever is sensible.

Councilman Barboza asked to know what Mr. Botelho believes must change with Mr. Botelho responding that he would like to change the Water Authority's atmosphere of controversy. He also informed the Council that he believes the Authority must improve its public relations.

Councilwoman Parella stated that she believes it to be important that the Authority considers its dependence upon purchased water and leans toward autonomy. She expressed concern that the Authority is "at the mercy of the wholesalers" and that a back-up line to the Scituate Reservoir is "not the best answer."

Councilwoman Parella stated that she appreciates that Mr. Botelho appears to be open-minded and emphasized that she does not believe that giving up the BCWA reservoirs to be a good idea.

Councilman Barboza agreed that purchasing water from Scituate or otherwise provides no control over the BCWA's "destiny."

Councilwoman Parella stated that she believes that the resignation of Mr. DeLise was positive public relations for the Water Authority. She added her concern that the Water Authority's rates are the highest in the State.

Councilman Herreshoff asked Mr. Botelho about his education with Mr. Botelho responding that he has a Bachelor of Science degree in electrical engineering from Roger Williams University (1995).

Councilman Herreshoff stated that he agrees with Mr. Botelho that an alternate source for water is important and asked Mr. Botelho if he was familiar with the alternate source alternatives previously discussed.

Mr. Botelho informed the Council that he was present at earlier meetings when alternate sources were discussed.

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Councilman Herreshoff noted the various alternate sources and asked Mr. Botelho how he would "adjudicate" this matter and also how he plans to bring about change.

Mr. Botelho responded that the matter of the alternate source should be kept current on the BCWA agenda until it is finally resolved. He also explained that any answer toward this end was premature since it needs to be studied; particularly as to cost and engineering data.

Councilman Herreshoff expressed concern that the matter has already been going on for too long and asked to know how Mr. Botelho plans to "get it going."

Mr. Botelho replied that he believes it important to build consensus.

Councilman Herreshoff asked to know about moving along the matter "physically versus politically." He expressed concern that the Massachusetts water sources may be cut-off and also that there may have to be changes to the East Providence connection and that the possibility of a connection to the Pawtucket system also has issues.

Mr. Botelho noted that his engineering expertise is in electrical and that he will have to learn the details of the water issues.

Councilman Herreshoff noted that Mr. Botelho manages outside contractors and asked if National Grid must utilize the lowest bidder with Mr. Botelho responding that this would be most often the case.

Councilman Herreshoff stated that "not enough happens at BCWA" and asked to know if Mr. Botelho plans to "just go along or look at all of the options."

Mr. Botelho replied that he would be interested to know the Council's expectations for its appointees.

Councilman Teixeira asked to know what the role of the BCWA director would be with Mr. Botelho responding that the role as he sees it is to guide the BCWA. He also informed the Council that his wife is an employee of the BCWA and that he wishes to be up-front regarding that issue.

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Councilman Teixeira asked to know if Mr. Botelho could identify the current challenges of the BCWA with Mr. Botelho responding that the back-up supply, improving public relations, and the continued supply of good drinking water were among these.

Councilman Teixeira asked to know what strength Mr. Botelho would provide to the Board with Mr. Botelho responding that he does not "let things slide" and that he listens to everyone and tries always to do his best based upon what he thinks is right. He added that he would strive to get the Authority the resources it needs and that he would try to be an advocate for the Town.

Councilman Barboza asked for Mr. Botelho to clarify his college degree with Mr. Botelho responding that he has a Bachelor of Science degree with an associate's degree in engineering.

Responding to a question posed by Council Chairman Marshall, Mr. Botelho asked to know the Council's expectations with Councilwoman Parella responding that the Council would expect its appointees to have "thick skin" and a persistence to get the job done.

Councilman Barboza agreed with Councilwoman Parella and stated that the thick skin was necessary to do the best job possible and not to be influenced by whether or not a decision is thought to be popular or unpopular.

Councilwoman Parella agreed adding that the Council should outline its expectations. She also added that the former Executive Director was dysfunctional.

Councilman Herreshoff expressed concern that the Water Authority has talked about the "contingency" water supply for years with no resolution.

Councilwoman Parella asked to know if Mr. Botelho also has interest in other Town boards with Mr. Botelho responding that he was uncertain. He added that this was the first time he has sought appointed office.

Councilwoman Parella noted that the Council can only make one appointment to this Board at this time but likely has some other volunteer positions available and may have

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additional opportunities on volunteer boards and commissions.

Mr. Botelho thanked the Council for the opportunity to be interviewed.

- b. Juan Mariscal, 1303 Hope Street -
interest/appointment

Council Chairman Marshall welcomed Mr. Mariscal of 1303 Hope Street and invited him to provide an opening statement.

Mr. Mariscal informed the Council that he has been in the "public life" for his entire career and that he is interested in the betterment of the community. He added that his forebears were also in public service and that he believes that it may be inbred in his family.

Mr. Mariscal stated that he has a thick skin but not a thick head and that he has learned a lot in the public arena. He added that he has served on many boards and that he is experienced in water and wastewater management including personnel, rates, PUC, and public information gathering. He also added that he has worked with both appointed and elected officials.

Mr. Mariscal informed the Council that the BCWA has a lot of problems but also that the Authority has made many accomplishments. He added that he likes to try to find win-win situations.

Mr. Mariscal reported that he has been on the boards of directors of non-profit organizations in the past and that some of these operated under a strict interpretation of Robert's Rules of Order and also that other organizations had no rules.

Mr. Mariscal informed the Council that he believes Pamela Marchand to be a good addition to the BCWA and that she brings the organization into a "new era." He added that he believes that the BCWA will change in the way it does business under Ms. Marchand's leadership.

Mr. Mariscal stated that he believes that the Board should be educated properly by professionals and that it was difficult to glean information from the BCWA in the past.

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He added that he wishes for the Board to be open and also that he would anticipate that the Board would go through a strategic planning process; talking to Town planners and DPW directors and putting together a plan to restore public confidence.

Mr. Mariscal explained that rate increases were instituted during his tenure in Warwick and that this was the first increase in 14 years. He further explained that the increase was for 25% but that the overall dollar increase wasn't onerous.

Mr. Mariscal raised the issue of a redundant water supply and stated that the Sundlun Commission recommended using a connection in East Providence.

Councilman Herreshoff asked if this might be pursued with Mr. Mariscal responding that the BCWA must talk to East Providence authorities regarding this issue. He added that there is an emergency connection.

Councilwoman Parella asked to know Mr. Mariscal's experience with the Water Resources Board with Mr. Mariscal responding that he was general manager from 2005-2008.

Council Chairman Marshall asked about strategic planning and to know if the Water Resources Board should have a master plan versus "hobnobbing."

Mr. Mariscal reported that the master plan has been done already and noted that a \$700,000 "Rhode Island Supplemental Water Study" already exists.

A discussion ensued regarding the Pawtucket Water Supply with Mr. Mariscal reporting that the reservoir is in Cumberland and that it serves Pawtucket, Central Falls, and Lincoln.

Councilman Herreshoff asked if there is enough water during a drought with Mr. Mariscal responding that he believes in conservation; utilizing technology to reduce usage through efficiency and to "create" water.

Mr. Mariscal reported that there is plenty of water in Rhode Island it just may not be where it is needed and that he never understood why the State does not encourage more efficiency.

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He suggested that the BCWA might take the lead on this issue.

Councilwoman Parella stated that National Grid has programs to promote conservation; rebates, etc. She further stated that she did not know of anything similar with water utilities.

Mr. Mariscal reported that the State appears to have no resources to do this nor does it have an overall program. He added that Franklin, Massachusetts has a progressive program which provides rebates. He also added that the Town of North Kingstown has a program.

Mr. Mariscal suggested that there should be a capital program to provide new water sources and a capital program for conservation.

Councilwoman Parella agreed that both capital programs were needed. She again expressed concern that the State may be too dependent upon a single water source.

Mr. Mariscal reported that a 2007 study outlined alternatives for the entire State including the Big River Reservoir and desalinization.

Councilwoman Parella asked to know if this study was held in abeyance due to the economy with Mr. Mariscal stating that this may be the reason.

Councilwoman Parella stated that she knows Mr. Mariscal has an "immense background" and also that he has applied to be a member of the Water Authority in the past. She added that she was "struggling" with this appointment since she is concerned about continuity. She added that she did not think it best to have all new people on the Board at one time.

Mr. Mariscal stated that he did not wish the Council to think that Mr. Sylvia has not done a good job. He added that he (Mr. Mariscal) is in semi-retirement and would like to have the opportunity to participate and lend his expertise.

Councilwoman Parella added that part of her "struggle" with Mr. Mariscal's consideration is that she knows that he was a candidate for BCWA Executive Director and is concerned

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that this may precipitate a conflict between him as a director and the new Executive Director, Pamela Marchand.

Mr. Mariscal responded that he has known Ms. Marchand for over 10 years and that he has a good relationship with her. He added that he believes the selection of Ms. Marchand to be a good decision and that she is very talented. He also added that the BCWA will go far if it listens to Ms. Marchand.

Councilman Teixeira noted that Mr. Mariscal has experience serving on many different boards and asked to know if this may constitute a conflict with Mr. Mariscal responding that he is loyal to the agency in which he becomes involved and that he sees no problem with his other associations.

Mr. Mariscal also informed the Council that knows most of the people associated with the BCWA and that he believes in open and honest relationships. He added that he wants to work with people in order to find "win-win" results.

Councilwoman Parella stated that Mr. Mariscal's experience is "amazing" and that this experience is a "positive thing."

Council Chairman Marshall asked to know Mr. Mariscal's thoughts regarding the PUC.

Mr. Mariscal stated that the PUC may raise or lower rates and protects the public's interest through both since it assures that the utility will have sufficient capital to maintain its service. He added that hearings before the PUC can be expensive to the utility.

A discussion ensued regarding the BCWA's experience with rate issues with Mr. Marsical commenting that he did not believe that the BCWA presented its case adequately. He added that information was not readily available to the public.

Council Chairman Marshall asked to know if it was the duty of the directors to provide this information with Mr. Mariscal responding that it was the duty of the Executive Director to provide this information and that the Board must provide guidance and policy.

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Council Chairman Marshall asked to know if the Board should demand this of the Executive Director with Mr. Mariscal responding the he would hope that the Executive Director would follow Board policies as a matter of course.

Councilman Herreshoff stated that it appeared to him that the Board was subservient to the Executive Director and that this was a "topsy-turvy" situation. He added that he does not believe that the Board should be involved in the "nitty-gritty" of the organization. He also questioned the value of the working sub-committees of the Board.

Mr. Mariscal stated that he believes the sub-committees to be acceptable but that these committees should not be directly involved in the operational details of the BCWA. He added that the Board members became bogged down in issues like cleaning the offices, causing them to lose touch with their true responsibilities.

Councilman Herreshoff agreed with Mr. Mariscal and stated further that the Board should not negotiate labor contracts either.

Councilman Herreshoff asked to know about Mr. Mariscal's education with Mr. Mariscal responding that he has a degree from the University of Rhode Island in waste management.

Councilman Herreshoff asked to know what Mr. Mariscal considered his most satisfying position with Mr. Mariscal responding that it was the Warwick Sewer Authority since he worked on the local level without a big bureaucracy.

Councilman Herreshoff asked to know when Mr. Mariscal worked for Warwick with Mr. Mariscal responding 2005-2007 also responding to Councilman Herreshoff's question, he informed the Council that he worked for Mayor Scott Avedisian.

Councilman Herreshoff asked to know if Mr. Mariscal works more on system than hands-on with Mr. Mariscal responding that he prefers to be a player-manager and that he is not afraid "to get involved."

A discussion ensued regarding the cross-bay pipeline bonds and the B&E report.

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Mr. Mariscal stated that he believes that some of the information provided in the B & E Report may be "misleading and not that straightforward." He added that the Board should look at what was not being done properly and use that information as an opportunity for improvement.

Councilman Herreshoff asked to know if it would be possible to make the BCWA more efficient and drop rates with Mr. Mariscal responding that he believes that any savings from greater efficiency might be better spent initially repairing those assets suffering from deferred maintenance. He added that the Anawan berm was supposed to be repaired some time ago and was never done.

Councilman Herreshoff agreed that the Board should review a "laundry list" of projects and evaluate and prioritize these.

Mr. Mariscal agreed with Councilman Herreshoff and stated that it would be advisable to have a five-year capital plan.

Councilman Herreshoff asked to know if Mr. Mariscal left his position in Warwick voluntarily with Mr. Mariscal responding affirmatively. He added that he was recruited by the Water Resources Board and that he was there for two years.

Mr. Mariscal thanked the Council for the opportunity to have the interview.

- c. Camille Dale, 66 Collins Street -
interest/appointment
 - 1. Camille Dale re withdrawal of
application
- d. Richard P. O'Connell, 51 Collins Street -
interest/appointment
 - 1. Council Clerk Cirillo re withdrawal of
application
- e. Frank J. Sylvia, 78 High Street -
interest/reappointment

LATE ITEM

LATE ITEM

Council Chairman Marshall noted that Mr. Sylvia has been a member of the Water Authority "through its ups and downs."

Mr. Sylvia thanked the Council for the opportunity to be heard and noted that he devoted a large part of his adult life in service to the Town. He added that the Town has been good to him and his family and that he wishes to provide something in return.

Mr. Sylvia reported that he has been a member of the Water Authority for 16 years and that his focus was as a rate-payer representative. He added that he tries to apply his education and experience at every meeting and tries to help build consensus. He also noted that he has institutional memory and tries to share what may have happened previously with new members.

Mr. Sylvia also reported that he considers himself to be a good listener and good problem solver.

Councilman Barboza stated that the B&E report indicates that the rate structure needs to be changed.

Mr. Sylvia suggested that any changes should require a careful study so as to determine how the rate changes would impact the rate payers and also the organization.

Councilman Barboza asked to know, if having 20-20 hindsight, what Mr. Sylvia would change from the past with Mr. Sylvia responding that he was only one of nine directors and that some attempts to remove the former Executive Director failed. He added that he found it necessary to "go to plan B" and find work-around methods to deal with the Executive Director's difficulties.

Mr. Sylvia noted that all three directors from Bristol appear to be united at this time and that all seem to be supporting the best interests of the rate payers.

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Councilman Teixeira asked to know the view of the three Bristol directors toward the removal of Mr. DeLise with Mr. Sylvia explaining that he and Mr. Rego tried to remove Mr. DeLise and that Mr. DeLise was aware of their intentions.

Councilman Teixeira asked Mr. Sylvia to explain the role of the directors with Mr. Sylvia responding that the directors' responsibility is to serve at the pleasure of the Town and to represent the Town's 8000 rate payers. He added that he supports a senior citizen discount.

Councilman Teixeira asked to know the role of the individual members of the Board with Mr. Sylvia repeating that the members should serve at the pleasure of the Town Council and that the members should bring the thoughts and ideas of the Council to the Board.

A discussion ensued regarding a recent fire at Franklin Court with Mr. Sylvia explaining that the deficiencies at Franklin Court were brought to the attention of Mr. DeLise two years ago.

Councilman Teixeira asked to know if Mr. Sylvia could outline the Board's challenges with Mr. Sylvia responding that the Board now has an excellent Executive Director and that the Director provides reports to the Board and that Mr. DeLise did not do so.

Councilwoman Parella asked to know if Mr. Sylvia believed that the Board members should be "policy makers" or "more hands on."

Mr. Sylvia stated that the Board took a hands-on approach in the recent past in order to get the information that was not being provided by the Executive Director. He added that he does not wish to micromanage the Water Authority's operation but the Board considered itself as short-handed. He added that Pamela Marchand understands this and that he believes the past experience will be beneficial moving forward for the directors. He added that he believes that the primary responsibility of the Board is to make policy and that Ms. Marchand is aware "that the jury is out."

Responding to a question posed by the Council, Mr. Sylvia agreed to provide a copy of the report received from Ms. Marchand.

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Councilman Barboza noted that other directors from Bristol with experience "have thrown in the towel." He asked to know if other Towns send experienced members to the Authority with Mr. Sylvia responding that there were two recent changes in Barrington and the three remaining non-new members are he, Mr. Klepper (Barrington) and Mr. Jannitto (Warren).

A discussion ensued regarding labor negotiation with Councilman Herreshoff stating that he believes that professional negotiators should be used.

Mr. Sylvia reported that the Authority appropriated \$15,000 for professional negotiation and hired Mr. Whelan and that Mr. Whelan was vetted by Ms. Marchand and the Board unanimously approved this.

Councilman Herreshoff asked to know Mr. Sylvia's opinion of an alternate supply of water with Mr. Sylvia responding that a redundant source is needed. Councilman Herreshoff asked to know how Mr. Sylvia plans to provide this alternate source with Mr. Sylvia responding that the State holds \$6.9 million which was set-aside for the upgrade and that this upgrade includes the Shad Pipeline.

Mr. Sylvia added that a connection with Pawtucket will cost \$10 million and that East Providence may share in this cost.

Mr. Sylvia also reported that the plan calls for a 16 inch line and that he is uncertain if the line might be equally adequate if made smaller.

Mr. Sylvia noted that the alternate supply is a priority of the three Bristol directors.

Mr. Sylvia reported that he believes the cross-bay pipeline has an additional life expectancy of 55 years.

Councilman Herreshoff asked to know if the near \$7 million can be applied to a Pawtucket line with Mr. Sylvia stating that he was unsure if this was possible.

Councilman Herreshoff stated that the Council wishes to have a known solution to the alternate source problem. He added that the Water Authority must come up with a plan and implement the plan.

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Councilman Herreshoff asked to know if there were a total of 16,000 rate payers and 8,000 of these in Bristol with Mr. Sylvia responding affirmatively.

Mr. Sylvia stated that he never knew of someone from out of town trying to influence a Bristol appointment until Mr. Palmieri did so. He added that Mr. Palmieri did have the right to do so but that it was unusual.

Council Chairman Marshall noted a letter from Mr. Gosselin and read the letter aloud.

Council Chairman Marshall added that the Tri-town Council may be able to help with the Massachusetts situation and suggested that Mr. Sylvia may wish to suggest this to the Authority.

Mr. Sylvia reported that Ms. Marchand is working on the Massachusetts situation.

Councilwoman Parella noted that the Pawtucket line to East Providence is already engineered and suggested that if the BCWA may "piggy-back" on the use of this line, more funds might be needed to increase the diameter of the pipe.

Councilman Herreshoff informed Mr. Sylvia that he believes that the parties should consider first the most promising option.

Mr. Sylvia noted that the decision will likely come down to cost.

Councilman Herreshoff noted that there was very little continuity in the Water Authority membership and that he found it "alarming" that there was not much institutional memory.

Mr. Sylvia stated that the Town was fortunate to have Mr. DeMelo and Mr. Bishop and that Mr. DeMelo has 99% attendance at meetings. He added that the Council is now getting good information and that he expects that it will only get better moving forward.

Mr. Sylvia thanked the Council for the opportunity to be heard.

2. Adjournment

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There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this meeting to be adjourned at 9:15 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk